

DETAILED ACTION

Claims 1, 5-9, and 12 are pending in the instant application. Claims 2-4 and 10-11 are canceled.

Information Disclosure Statement

The information disclosure statement (IDS), filed on 05/07/2008 has been considered. Please refer to Applicant's copy of the 1449 submitted herewith.

Response

Applicant's remarks and amendment to the claims filed on 5/7/2008 are acknowledged.

The obviousness double patenting rejection is withdrawn in view of the instant being senior to the copending application. The 112 rejections are withdrawn in view of the amendment to the claims.

Claims 1 and 5-7 and 9 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), the claim(s), directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 11/30/2007 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction

Art Unit: 1626

requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

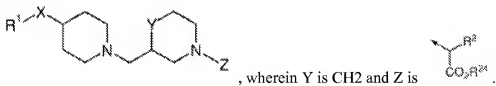
Authorization for this examiner's amendment was given in a telephone interview with Dr. Tony Zhang on 7/17/2008.

The application has been amended as follows:

Delete claim 12, which has enablement issues.

Reasons for Allowance

The present invention is directed to piperidine derivatives of formula (I),



The closest prior art of record is Applicants own U.S. Pat. App. No. 20060040984 (10/528,477), which teaches a similar class of compounds, but since the instant application is senior to the copending application and no other rejections are outstanding, the obviousness double patenting rejection over the junior application is withdrawn. Therefore, Claims 1, 5-9 and 12 are allowed.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susannah Chung whose telephone number is (571) 272-6098. The examiner can normally be reached on M-F, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/REI-TSANG SHIAO /
Primary Examiner, Art Unit 1626

Susannah Chung, July 22, 2008